

J. D. H. asks the Utah Labor Commission to reconsider its prior decision affirming the Administrative Law Judge's decision, denying a portion of Mr. H.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Ann. §63-46b-13.

ISSUES PRESENTED

Mr. H. requests reconsideration of his case because his treating physician disagrees with the results and findings of the medical panel. However, before considering the issues raised in Mr. H.'s request for reconsideration, the Labor Commission must first determine whether the request for reconsideration was filed within the 20 day time limit imposed by the Utah Administrative Procedures Act ("UAPA"; Title 63, Chapter 46b, Utah Code Ann.).

FINDINGS OF FACT

The Commissioner issued his decision in this matter on January 31, 2002. That same day, a copy of the Commissioner's decision was mailed to Mr. H. at his correct mailing address. On March 27, 2002, the Labor Commission received Mr. H.'s request for reconsideration.

DISCUSSION AND CONCLUSIONS OF LAW

Section 63-46b-13 of UAPA allows a party dissatisfied with the Commissioner's decision 20 days in which to file a request for reconsideration with the Labor Commission. A request for reconsideration is not "filed" until it is actually received by the Labor Commission.

In this case, the Commissioner's decision was issued on January 31, 2002, but Mr. H.'s request for reconsideration was not received until 55 days later, on March 27, 2002. Consequently, Mr. H. failed to file his request for reconsideration within the 20 day period allowed by law.

ORDER

The Labor Commission dismisses Mr. H.'s request for reconsideration as untimely. The prior decision of the ALJ remains in effect. It is so ordered.

Dated this 30th day of April, 2002.

R. Lee Ellertson, Commissioner